

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GARY NEWELL,
Defendant

CRIMINAL NO. 03-10370-DPW

DEFENDANT GARY NEWELL'S MOTION TO SUPPRESS EVIDENCE

Defendant Gary Newell respectfully moves that this Court issue an order suppressing the use of all evidence obtained as a result of a traffic stop and the subsequent warrantless seizure and search of his truck on January 24, 2003 in violation of his constitutional rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. The evidence sought to be suppressed includes all fruits derived from the illegal traffic stop and seizure, including all statements, physical evidence, and items seized as a result of the execution of a search warrant secured using tainted evidence.

In support of this Motion, defendant submits his accompanying Affidavit of Gary Newell,¹ Affidavit of Debra A. DelVecchio, and Memorandum of Law.


¹Mr. Newell's affidavit has not yet been signed. Undersigned counsel has reviewed with him its contents and verified its accuracy. Counsel seeks leave to file the unsigned affidavit, to be replaced with the signed original once it is received from Mr. Newell.

Request for Hearing and To File Post-Hearing Memorandum

Defendant requests an evidentiary hearing on this Motion, and the further opportunity to file a supplemental Memorandum of Law and any other appropriate documents following the hearing.

Respectfully submitted,
GARY NEWELL,
By his attorney,

DATED: November 22, 2004


Debra A. DelVecchio
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of this document was served upon the attorney of record for each party and each party appearing *pro se*, by mail, ~~hand delivery, facsimile~~, a courier service, on 11/22/04

